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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/699,807
Filing Date: November 03, 2003
Appellant(s): FORD ET AL.

William D. Wiese (Reg. No. 45,217)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10 September 2010 appealing from the
Office action mailed 30 December 2009.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1 – 8 and 88.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

6,594,633	BROERMAN et al.	07-2003
6,321.202	RAVEIS et al.	11-2001
2002/0095346	LISS	07-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 80 and 88 are not patentable under 35 U.S.C. 103(a) over Broerman US Patent 6,594,633 in view of Raveis US Patent 6,321,202 and Liss US Publication 2002/0095346.

Regarding claims 1, 42, 80 and 88, Broerman teaches system and method for a comprehensive real estate transaction management. Broerman teaches concept for:

entering information relating to a property involved in a real estate transaction into a multiple listing system (MLS) [Broerman, Fig. 3 and disclosure associated with the Figure]

monitoring the progress of said real estate transaction through a network connected to said multiple listing system [Broerman, Fig. 10 and disclosure associated with the Figure]

managing the closing of said real estate transaction over said network [Broerman, Fig. 10 and disclosure associated with the Figure]

Broerman does not explicitly recite managing the post-closing activities related to said real estate transaction. However, Broerman teaches concept for post transaction monitoring. Raveis teaches concept managing the post-closing activities related to said real estate transaction [Raveis, Fig. 10 and disclosure associated with the Figure].

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify Broerman by adopting teachings of Raveis and manage the post-closing activities related to said real estate transaction to generate revenue by providing leads to member vendors; apply a known technique to a known device (method, or product) ready for improvement to yield predictable results; known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art.

Broerman in view of Raveis and Liss does not explicitly recite sharing portion of collected fee with other parties in the transaction like a source providing entity or a lead providing entity. However, it is old and known to one of ordinary skill in the art that **business like HomeGain.com received portion of the earned commission as a referral fee from the real estate agent when the agent closed a real estate transaction.** In addition, Liss teaches system and method of marketing real estate. Liss teaches "An agreement is provided between the venue operator and the supplier of goods or services to the real estate industry or the promoter to share revenues resulting from sales, rentals or services provided based on the information gathered through the data gathering means" [Liss 0011].

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify Broerman in view of Raveis and Liss by adopting teachings of Liss and share revenue to have a cooperative marketing and referral system, apply a known technique to a known device (method, or product) ready for improvement to yield predictable results, known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art.

Broerman in view of Raveis and Liss teaches capability for:

- a real estate multiple-listing system;
- a system for managing real estate purchases;
- a system for managing real estate closings;
- a system for managing post-closing activities; and
- accessing MLS, managing real estate purchases, managing real estate closings, and managing post-closing activities, through a network
 - managing the listing and sale of real estate wherein real estate agents have access to information relating to properties for sale within a defined geographic area;
 - providing access to said system over a network;
 - allowing participants in the sale of a property listed within said system to have access to said system over said network; and
 - allowing said participants to complete the tasks required to close said sale of said property over said network.

Regarding claims 2, 43, Broerman in view of Raveis and Liss teaches concept for providing to a participant in a real estate transaction access point to MLS, system for managing real estate purchases, system for managing real estate closings, system for managing post-closing activities.

Regarding claims 3 and 44, Broerman in view of Raveis and Liss teaches capability for accessing real estate-related vendor information.

Regarding claims 4 and 45, Broerman in view of Raveis and Liss teaches capability for inputting contact information of a participant or a potential participant in a real estate transaction.

Regarding claims 5 and 46, Broerman in view of Raveis and Liss teaches capability for electronically uploading real estate-related information.

Regarding claims 6 and 47, Broerman in view of Raveis and Liss teaches capability for electronically delivering real estate-related information to a participant or a potential participant in a real estate transaction.

Regarding claims 7 and 48, Broerman in view of Raveis and Liss teaches capability wherein at least a portion of said real estate-related information can be

selected from the group consisting of referrals, vendor contacts, listings, county property records, tax records, representation agreements, offers, offer agreements, inspection reports, lending documents and closing documents.

Regarding claims 8 and 49, Broerman in view of Raveis and Liss teaches capability for accessing real estate-related documents through said network.

Regarding claims 9 and 50, Broerman in view of Raveis and Liss teaches capability for restricting access to real estate-related documents through a network to certain participants or potential participants in a real estate transaction.

Regarding claims 10 and 51, Broerman in view of Raveis and Liss teaches capability for modifying real estate-related documents through said network.

Regarding claims 11 and 52, Broerman in view of Raveis and Liss teaches capability wherein at least one of said real estate-related documents can be selected from the group consisting of listing agreements, agent representation agreements, offers, offer agreements, lending documents and closing documents.

Regarding claims 12 and 53, Broerman in view of Raveis and Liss teaches capability for electronically or digitally signing documents through said network.

Regarding claims 13 and 54, Broerman in view of Raveis and Liss teaches capability for notifying a participant or a potential participant in a real estate transaction when real estate-related documents are modified in a manner that affects said participant or potential participant. [Broerman, Fig. 10 and disclosure associated with the Figure]

Regarding claims 14 and 55, Broerman in view of Raveis and Liss teaches capability wherein said real estate-related documents can be selected from the group consisting of listing agreements, agent representation agreements, offers, offer agreements, lending documents and closing documents.

Regarding claims 15 and 56, Broerman in view of Raveis and Liss teaches capability for tracking, monitoring and logging the progress of a real estate transaction.

Regarding claims 16 and 57, Broerman in view of Raveis and Liss teaches capability for updating the status of the progress of a real estate transaction.

Regarding claims 17 and 58, Broerman in view of Raveis and Liss teaches capability for granting a participant or a potential participant in a real estate transaction access to a transaction activity log.

Regarding claims 18 and 59, Broerman in view of Raveis and Liss teaches capability for automatically notifying a participant or a potential participant in a real estate transaction when the status of the progress of said real estate transaction is updated.

Regarding claims 19 and 60, Broerman in view of Raveis and Liss teaches capability for ordering real estate-related services through said network.

Regarding claims 20 and 61, Broerman in view of Raveis and Liss teaches capability wherein said real estate multiple-listing system can provide a method for agents to communicate with potential buyers.

Regarding claims 21 and 62, Broerman in view of Raveis and Liss teaches capability for creating a private webpage for a buyer or a seller.

Regarding claims 22 and 63, Broerman in view of Raveis and Liss teaches capability for posting information to a buyer or seller's private webpage.

Regarding claims 23 and 64, Broerman in view of Raveis and Liss teaches capability for automatically notifying a buyer, a seller, or an agent when information is posted to a buyer or a seller's private webpage.

Regarding claims 24 and 65, Broerman in view of Raveis and Liss teaches capability for a seller and an agent to interact through electronic communication while viewing information posted on said seller's private webpage.

Regarding claims 25 and 66, Broerman in view of Raveis and Liss teaches capability for a buyer and an agent to interact through electronic communication while viewing information posted on said buyer's private webpage.

Regarding claims 26 and 67, Broerman in view of Raveis and Liss teaches capability for an agent to conduct a comparable market analysis of a seller's or a potential seller's real estate.

Regarding claims 27 and 68, Broerman in view of Raveis and Liss teaches capability for a buyer to contact referrers, lenders etc.

Regarding claims 28 and 69, Broerman in view of Raveis and Liss teaches capability for a buyer to apply for loans through said network.

Regarding claims 29 and 70, Broerman in view of Raveis and Liss teaches capability for searching MLS and county records for property address and county tax data.

Regarding claims 30 and 71, Broerman in view of Raveis and Liss teaches capability for obtaining property addresses and county tax data.

Regarding claims 31 and 72, Broerman in view of Raveis and Liss teaches capability for an agent to define and save search criteria from a buyer's contact information.

Regarding claims 32 and 73, Broerman in view of Raveis and Liss teaches capability for an agent to identify properties that match a buyer's real estate selection criteria.

Regarding claims 33 and 74, Broerman in view of Raveis and Liss teaches capability for routine automated searches for property that match a buyer's real estate selection criteria.

Regarding claims 34 and 75, Broerman in view of Raveis and Liss teaches capability for the automated posting of real estate-related information to a buyer or a seller's private webpage.

Regarding claims 35 and 76, Broerman in view of Raveis and Liss teaches capability for a buyer, a seller and their respective agents to access real estate-related documents through said network.

Regarding claims 36 and 77, Broerman in view of Raveis and Liss teaches capability for a buyer, a seller and their respective agents to interact through electronic communication while accessing real estate-related documents through said network.

Regarding claim 37, Broerman in view of Raveis and Liss teaches capability for automatically notifying a buyer, a seller, and their respective agents of electronic communication by said buyer, said seller or said agents.

Regarding claims 38 and 78, Broerman in view of Raveis and Liss teaches capability for acquiring electronic copies of title closing documents from a title provider through said network.

Regarding claims 39 and 79, Broerman in view of Raveis and Liss teaches capability for acquiring electronic copies of lender closing documents from a lender through said network.

Regarding claim 40, Broerman in view of Raveis and Liss teaches capability wherein real estate multiple-listing system can provide a method for providing information related to closed transactions to secondary mortgage lenders through said network.

Regarding claim 41, Broerman in view of Raveis and Liss teaches capability for wherein at least a portion of the network can selected from the group consisting of the Internet, an intranet, a wireless network, a wide area network, a local area network and a point-to-point connection.

(10) Response to Argument

In response to appellant's argument the cited references do not teach capability and concept for service provider charging fee to the subscribers/users.

However, cited references teach capability and concept for charging fees

In response to appellant's argument that cited references do not teach capability and concept for sharing of the collected fees.

However, cited references teach capability and concept for sharing of fees

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Art Unit: 3629

Respectfully submitted,

/Naresh Vig/
Primary Examiner, Art Unit 3629

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